



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD Regular Meeting Tuesday, January 2, 2007 at 6:30pm "Old" Town Hall

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

Members present: Phil Wilson, Chairman; Shep Kroner, Vice Chairman, Craig Salomon, Laurel Pohl and Joseph Arena

Absent: Vince Vettrano and Henry Marsh, Selectman's Representative

Others present: Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Wilson convened the meeting at 6:30pm and noted for the record that there was a quorum.

Old Business

W/S North Hampton Properties, LLC, 1300 Boylston Street, Chestnut Hill, MA 02167. Applicant requests a waiver from Article V, Section 506.6.K to allow two wall signs as shown on the architectural elevations. This request is a continuation from the December 4, 2006 meeting.

06:32 – W/S North Hampton Properties, LLC, 1300 Boylston Street, Chestnut Hill, MA 02167. Conditional Use Permit application. Applicant proposes the placement of two wall-mounted signs on the proposed Staples building and placement of one monument sign along the site frontage on Lafayette Road. Property location: 35 Lafayette Road, zoning district I-B/R, M/L 007-052-000. This application is a continuation from the December 4, 2006 meeting.

In attendance for the waiver request and case #06:32:

Edward Vydra, W/S North Hampton Properties

Patrick Finn, Landry Architects

Attorney Bernard Pelech, Wholey and Pelech Law Offices

Mr. Vydra said that the two main reasons for the waiver request are for the size requirement and illumination. He said that his client (Staples) would prefer two larger signs (129 sq. ft. *Staples* sign for the front of the building and 80 sq. ft. for the side entrance of the building) if they were required to be illuminated with downward lighting.

Dr. Arena reminded the Board that the applicant had already agreed to abandon the monument sign in order to have two wall signs. Mr. Vydra concurred.

Mr. Finn presented pictures of the surrounding signs in the Lafayette Crossing Mall as compared to the requested *Staples* sign.

Dr. Arena said that he felt the requested 129 sq. ft. and 80 sq. ft. *Staples* signs were compatible with the size of the proposed building.

Mr. Salomon agreed with Dr. Arena and added that the Lafayette Crossing Mall will be “built out” when *Staples* is built and that the appearance should be consistent with the surrounding buildings.

Ms. Pohl said that she felt that because of the buildings close proximity to Route 1 the requested 129 sq. ft. sign would be too big. She also said that the signs should be illuminated with downward lighting rather than internally lit.

Mr. Kroner said that he feared that the approval of a 129 sq. ft. sign would have a “billboard” affect. He said that the sign is too big but would be inclined to permit the 80 sq. ft. wall sign at the entrance of the building. He also stated that after researching the ZBA case for the present *Marshalls* it was evident that they had built their case on the building’s distance away from Route 1.

Mr. Wilson quoted Dr. Arena as previously stating, “the fundamental purpose of a sign is not to advertise but to notify”. He said that the change to the sign ordinance was to change the look of Route 1 and that the applicant and the Board would need to come up with a solution within the spirit of the ordinance.

Mr. Wilson suggested the applicant change their request to two 80 sq. ft. wall signs with downward lighting.

Dr. Arena said that the requested signs are miniscule compared to previously approved signs around town. He would like to see the signs internally lit rather than have downward lighting.

Mr. Wilson opened the public hearing at 6:58pm.

Mr. Wilson closed the public hearing at 6:59pm without public comment.

Mr. Kroner moved and Ms. Pohl seconded the motion to grant a waiver of 506.6.k. to allow two wall signs, each to be 80 sq. ft. with 4 feet high letters and to be externally lit by downward lights as represented on the plan.

Mr. Salomon made a friendly amendment to add *subject to granting a Conditional Use Permit.*

Mr. Kroner accepted the friendly amendment.

The vote was unanimous in favor of the amended motion (5-0).

Mr. Salomon moved and Ms. Pohl seconded the motion to approve the Conditional Use Permit with two 80 sq. ft. wall signs with external, downward lighting.

Mr. Wilson opened the public hearing at 7:04pm.

Mr. Wilson closed the public hearing at 7:04pm without public comment.

The motion passed (4 yes, 0 no and 1 abstention). Dr. Arena abstained.

Mr. Vydra will submit a new plan with the two 80 sq. ft. wall signs depicted on it.

Mr. Wilson skipped ahead to New Business on the agenda.

07:01 – James and Karen Confalone, 41 Causeway Road, Rye, NH 03870.

Subdivision Application. The applicant proposes to create three (3) lots using land affected by Municipal Boundaries per RSA 674:53. Property location: Ocean Boulevard, North Hampton, zoning district R-2, M/L 005-012,005-013 & 005-014.

Attorney Phoenix submitted a letter to the Planning Board, on behalf of the Confalones, requesting a continuance to the February 5, 2007 meeting.

Mr. Salomon moved and Ms. Pohl seconded the motion to continue case #07:01, James and Karen Confalone, to the February 5, 2007 meeting.

The vote was unanimous in favor of the motion (5-0).

Mr. Wilson returned to Old Business on the agenda.

06:33 -Paul McInnis, 155 Lafayette Road, North Hampton, NH 03862. Site Plan Review Application. The applicant proposes to construct commercial offices. Property Owner: Hiltunen Revocable Trust. Property location: Juniper Road, zoning district I-B/R, M/L 017-026-000. This application is a continuation from the December 4, 2006 meeting. The Applicant also requests a waiver from Section X. D. 2. c. of the Site Plan Review Regulations to decrease the 25-foot landscaping buffer down to 10 feet.

In attendance for this application:

Paul McInnis, Applicant

Richard Ladd, Surveyor

Mr. Salomon stated that he would abstain from case 06:33 unless he was needed to “break” a tie vote.

The Planning Board took jurisdiction of this case (#06:33) at the December 4, 2006 meeting.

Mr. Ladd explained to the Board that he had addressed all of Town Engineer Ed Kelly’s concerns and that he received a report from Jill Robinson today, which shared some of the same issues as Mr. Kelly.

Dr. Arena asked what kind of business would occupy the new building.

Mr. McInnis said that he would conduct his real estate and auction business in the new building.

Mr. McCarthy, who abuts the property, stated that he has no objections to the proposed plan. He did voice concerns on the actual implementation of the stockade fence and arbor vitae trees as depicted on the plan and questioned what recourse he would have if either or both were not completed.

Mr. Wilson explained that the Planning Board requires the applicant to post surety in an amount sufficient for landscaping as depicted on the plan. The Board requests a review by the Town Engineer to ensure it is sufficient and the Town holds an amount equal to 25% of the installed cost of all plantings for two growing seasons following completion of construction to ensure prompt replacement of any dead plantings. Mr. Wilson further explained that an approved site plan follows the site so that if a new owner occupies the building they would have to abide by the current site plan.

Mr. Wilson opened the public hearing at 7:25pm.

Mr. McCarthy agreed to incorporate his previous comments into the open public hearing and asked if a McDonalds Restaurant would ever be allowed at that site.

Mr. Salomon explained that it is zoned for a commercial business but the current zoning regulations would not allow it.

Dr. Arena recommended that the applicant address the new building as the corner of Juniper and Lafayette Road.

Mr. Wilson explained that the Fire Department assigns/issues Street numbers.

Dr. Arena questioned how many employees would be working in the building at one time referencing the parking requirements in the site plan regulations.

Mr. McInnis answered "five". Mr. McInnis explained that the auctions are held at the premises where the items are to be sold.

Mr. Kroner moved and Dr. Arena seconded the motion to grant the waiver request from Section X.D.2.c. to allow a 10-foot landscaping buffer instead of the required 25-foot landscaping buffer.

Mr. Salomon made a friendly amendment by adding that *it complies with the landscaping and fence as depicted on the plan.*

Mr. Kroner accepted the friendly amendment.

The motion passed (4 yes, 0 no and 1 abstention). Mr. Salomon abstained.

Mr. McInnis explained that (1) there will be curbside trash pick-up so there will be no dumpster, (2) the building will have vinyl shakes with no shutters and (3) the building will be a light gray with black and gray shingles.

Mr. Ladd explained that they have not yet applied for a driveway permit from the Town and that the revised plan submitted for this evening's meeting specifies lighting that complies with the dark sky standard for lighting.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the site plan application with the following conditions:

- 1. Recordable Mylar. The applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan.**
- 2. Certificate of Monumentation. The applicant shall post surety in an amount sufficient to set monuments and provide a Certificate of Monumentation after installation of monuments. After construction is completed, the applicant shall provide the Board with a Certificate of Monumentation, stamped and signed by a NH LLS certifying that all monuments depicted on the plan have been properly set.**
- 3. Utilities. The applicant shall provide written evidence that the providers agree to connectibility.**
- 4. Driveway. The applicant shall provide written evidence of approval of a driveway permit by the Town of North Hampton.**
- 5. Permits. Applicant shall submit copies of all required permits (NH DES Subsurface Permit) and shall note permit numbers, as appropriate, on the plan.**
- 6. Landscaping. The applicant shall post surety in an amount sufficient for landscaping. An amount equal to 25% of the installed cost of all plantings shall be held by the Town for two (2) growing seasons following completion of construction to ensure prompt replacement of any dead plantings.**

Mr. Salomon made a friendly amendment to include in the motion for landscaping *as depicted on the plan to include the installation of a stockade fence as shown on the plan.*

Mr. Kroner accepted the friendly amendment.

The motion passed (4 yes, 0 no and 1 abstention). Mr. Salomon abstained.

Dr. Arena moved and Ms. Pohl seconded the motion to adjourn at 7:50pm.

The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary